IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1393 of 2005

Between:

Kakarlapudi Ramachandra Raju, S/o K.Narasimha Raju,
R/o Kabadi Street, Rachapalli Peddapuram Taluk, East Godavari District.

... PETITIONER

AND

1 The Commissioner, Endowments Department,

Tilak Road, Hyderabad.
2 The Assistant Commissioner, Endowments Department,

Lakkapandiri Street, Vizianagaram Town.
3 The Fit Person & Executive Officer, Sivarama Deekshuthulu

Ashram, C/o Sri Kanyaka Parameswari Devasthanam,

M.G. Road, Vizianagaram Town & District.
4 Nakkina Ram, S/o Chinnaiah,
R/o H.No. 292, Phoolbagh Colony, Vizianagaram -2.
5 P.V.S. Prasad, S/o P. Venkateswara Rao,
R/o 15-1-36, A.G. Road,Vizianagaram - 2.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly a Writ of Mandamus directing the Respondents not to induct 3rd parties for management of Sivarama Deekshuthulu Ashram by holding the action of the respondents in appointing 3rd and 4th Respondents as Fit person and Single Trustee respectively, as illegal, unconstitutional and arbitrary.

Counsel for the Petitioner: Smt.I.MAAMU VANI

Counsel for the Respondent No.1&2: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

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O R D E R:

The petitioner seeks a writ of mandamus, directing the respondents not to induct third parties into the management of Sri Sivarama Deekshuthulu Ashram, and to declare the action of respondents 1 and 2 in appointing respondents 3 and 4 as Fit Person and Single Trustee, respectively, as illegal, unconstitutional and arbitrary.

Petitioner states that the Ashram, referred to above, was established in the name of Sri Mudramadugu Sivarama Deekshit Swamy, who used to propagate Hindu religion and culture about 70 years back. He contends that an extent of Ac.5-16 cents belonging to Smt.Satyanarayana W/o. Sri Chandilu Ramabhadra Rao and certain other extents belonging to other different disciples, was endowed to the Ashram for its benefit, in the name of Halwai Mahabhu Prasad, and the Ashram was constructed in the said land. The grievance of the petitioner is that respondents 3 and 4 were appointed as Fit Person and Single Trustee, respectively, and they have mismanaged the said land. It is stated that the land was given on lease to the fifth respondent, without the process of auction, and he is proposing to undertake construction thereon. According to the petitioner, the Endowments Department has no control over, or relation, with the said land. He issued a notice dated 3.12.2004 to the respondents. Complaining that despite his notice, the respondents are resorting to same activities, this writ petition is filed.

Heard learned counsel for the petitioner and the learned Government Pleader for Endowments.

From the contents of the affidavit and material papers, as well as the submissions made by the learned counsel for the petitioner, it is evident that the grievance of the petitioner is two fold. The first grievance is as to the legality of the appointment and continuance of respondents 3 and 4 as Fit Person and Single Trustee, respectively. The second grievance is that the Endowments Department, or

for that matter the Ashram, has no right over the land referred to above.

So far as the first aspect is concerned, it is evident that the Ashram is an endowment, registered under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"), and the respondents 3 and 4 were appointed through an order dated 20.3.1996. The petitioner did not raise any objection for their appointment for all these years. It is not open to him to challenge the same at this stage.

As for the second limb of the relief, it may be noted that the properties registered in the name of any religious institution or endowment are to be treated as belonging to them exclusively. In case any individual is of the view that an item of property does not belong to such institution or endowment, the only course open to him is to institute proceedings under Section 87 of the Act, before the Deputy Commissioner of Endowments, having jurisdiction over the area. It is impermissible to seek a declaration in that regard before any other forum, or in any other proceedings.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies in accordance with law. There shall be no order as to costs.

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2nd February, 2005

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To

1 The Commissioner, Endowments Department,

Tilak Road, Hyderabad.
2 The Assistant Commissioner, Endowments Department,

Lakkapandiri Street, Vizianagaram Town.
3 The Fit Person & Executive Officer, Sivarama Deekshuthulu

Ashram, C/o Sri Kanyaka Parameswari Devasthanam,

M.G. Road, Vizianagaram Town & District.
4 Two C.Cs. to the Government Pleader for Endowments,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies